



VILLAGE OF BISCAYNE PARK  
640 NE 114TH STREET  
BISCAYNE PARK, FL 33161  
TEL: 305 899 8000 FAX: 305 891 7241  
www.biscayneparkfl.gov

Mayor and Commission

Noah Jacobs  
Mayor

Barbara Watts  
Vice Mayor

Robert "Bob" Anders  
Commissioner

Bryan Cooper  
Commissioner

Roxanna Ross  
Commissioner

Ana Garcia  
Village Manager

John J. Hearn  
Village Attorney

Maria Camara  
Village Clerk

**MINUTES**

**Regular Commission Meeting**  
**Ed Burke Recreation Center - 11400 NE 9th Court**  
**Biscayne Park, FL 33161**  
**Tuesday, December 13, 2011 at 6:30PM**

**1 Call to Order**

**2 Roll Call**

Mayor Roxanna Ross called the meeting to order at 6:38PM. In addition to Mayor Ross, present were:

Vice Mayor Bob Anderson  
Commissioner Steve Bernard  
Commissioner Bryan Cooper

*Commissioner Childress was absent.*

Present from staff were:

Village Manager Ana Garcia  
Village Clerk Maria Camara  
Village Attorney Eve Boutsis  
Finance Director Charles Smith  
Police Chief Mitchell Glansberg  
Parks & Recreation Director Issa Thornell  
Assistant Director Cesar Hernandez  
Assistant Chief Antonio Sanchez  
Police Officer Charlie Dayoub  
Police Officer Nicholas Wollschlager

**3 Pledge of Allegiance and Moment of Silence**

**4 Presentations**

- 4.a Canvassing Board Election Results of the December 6, 2011 Village of Biscayne Park Election

## **Resolution 2011-52**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA; **CANVASSING RETURNS AND CERTIFYING THE RESULTS OF THE GENERAL MUNICIPAL ELECTION OF THE VILLAGE OF BISCAYNE PARK**, MIAMI-DADE COUNTY, FLORIDA, HELD DECEMBER 6, 2011, DESIGNATING THE PERSONS ELECTED TO OFFICE AND LENGTH OF TERMS; PROVIDING FOR AN EFFECTIVE DATE

Attorney Boutsis read the title of the resolution and reviewed the results of the election.

Motion by Vice Mayor Anderson to approve Resolution 2011-52. It was seconded by Commissioner Bernard

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Anderson, Commissioner Bernard, and Commissioner Cooper.

Opposed: None

Motion carries 4/0

- 4.b Manager Garcia presented a plaque to Commissioner Bernard recognizing his service as Commissioner from 2007 to 2011.

- 4.c Installation of newly elected officials:

Commissioner Bob Anderson was sworn in by Circuit Court Judge Victoria Sigler.

Commissioner Noah Jacobs was sworn in by Joe & Jeanne Farcus.

Commissioner Barbara Watts was sworn in by Lesley Northup, Dean, The Honors College at FIU.

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Mayor Ross asked for a recess at 6:50pm.

The meeting was resumed at 7:03pm.

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- 4.d Reorganization meeting to select Mayor and Vice Mayor

Attorney Boutsis explained the process for selection of Mayor.

Commissioner Anderson makes a motion to appoint Commissioner Ross as Mayor. It was seconded by Commissioner Ross.

The motion was called to a vote:

All in favor: Commissioner Anderson and Commissioner Ross

Opposed: Commissioner Cooper, Commissioner Jacobs and Commissioner Watts

Motion fails: 2/3

Commissioner Cooper makes a motion to appoint Commissioner Jacobs as Mayor. It was seconded by Commissioner Watts.

The motion was called to a vote:

All in favor: Commissioner Cooper, Commissioner Jacobs and Commissioner Watts

Opposed: Commissioner Anderson and Commissioner Ross

Motion carries: 3/2

Commissioner Ross asks for a re-vote on the selection of Commissioner Jacobs as Mayor to show agreement from the entire commission.

The re-vote was taken:

All in favor: Commissioner Cooper, Commissioner Jacobs, Commissioner Ross and Commissioner Watts

Opposed: Commissioner Anderson

Motion carries: 4/1

## **5 Additions, Deletions or Withdrawals to Agenda**

Commissioner Cooper asks that the Manager add to her report a discussion on changing the method of how the minutes are produced. After clarification from the Attorney, Commissioner Cooper to submit a request to add that item to the agenda for the next meeting.

Commissioner Cooper makes a motion to defer the second reading of ordinance 2011-02 to a date certain in February and schedule a weekend workshop in January to discuss further.

After discussion on an alternate option to break up the ordinance and only consider the materials portion of the ordinance for approval, and to allow public hearing on the ordinance, Commissioner Cooper rescinds his motion at this point in the meeting.

Clerk Camara added Resolution 2011-55.

Clerk Camara clarified the date of the November 2012 regular commission meeting on Resolution 2011-53 as Wednesday, November 7, 2012.

Mayor Jacobs moves item 11a, Resolution 2011-54; and Resolution 2011-55 to the consent agenda. All in favor, 5/0.

## **6 Public Comments Related to Agenda Items / Good & Welfare**

Barbara Kuhl - Objected to the delay of ordinance 2011-02 Fence Ordinance

Harvey Bilt - Objected to the delay of ordinance 2011-02 Fence Ordinance

Jose Atar -Objected to the delay of ordinance 2011-02 Fence Ordinance

Russell Katzman - Objected to the delay of ordinance 2011-02 Fence Ordinance

Jeff Stranz - Objected to the delay of ordinance 2011-02 Fence Ordinance

Tracy Truppmann - Objected to the delay of ordinance 2011-02 Fence Ordinance

Vickie Bilt-Smith - Objected to the delay of ordinance 2011-02 Fence Ordinance

Dale Blanton - Objected to the delay of ordinance 2011-02 Fence Ordinance

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Clarification given to Commissioner Cooper from Attorney Boutsis that language already exists in our code to address visibility issues on corners.

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Karen Cohen - Congratulations to newly elected officials; Village accomplishments in the last two years; holiday wishes to the commission - collegiality among commission; newspaper articles to obtain opinion from all commissioners; promote good citizenry and participation.

Gary Kuhl - Objected to the delay of ordinance 2011-02 Fence Ordinance

Fred Jonas - Objected to the delay of ordinance 2011-02 Fence Ordinance

## **7 Village Manager Report**

Manager Garcia provided an update/status on:

- > Median closure at 121st Street
- > Meetings with Kimley-Horn and CITT
- > Discussions with lobbyist David Caserta and Bell David Planners on improvements to Village Hall.

## **8 Consent Agenda**

Commissioner Anderson pulls item 8.b, Resolution 2011-53 and it is moved to section 11 Resolutions as item 11.a.

The following items remain on the consent agenda:

### **Approval of Minutes**

- > September 13, 2011 1st Public Hearing FY 2011-12 Budget
- > September 13, 2011 Regular Commission Meeting
- > September 20, 2011 2nd Public Hearing FY 2011-12 Budget
- > October 4, 2011 Regular Commission Meeting
- > October 20, 2011 Special Commission Meeting
- > November 1, 2011 Regular Commission Meeting
- > November 29, 2011 Special Commission Meeting

#### **Resolution 2011-54**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA **COMMORATING MARTIN LUTHER KING DAY WITH A DAY FOR COMMUNITY SERVICE** AND BEAUTIFICATION EVENT IN THE VILLAGE OF BISCAYNE PARK TO BE HELD JANUARY \_\_, 2012, PROVIDING FOR AN EFFECTIVE DATE

#### **Resolution 2011-55**

RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK RATIFYING THE **APPOINTMENT OF DANIEL SAMARIA TO THE RECREATION ADVISORY BOARD**; PROVIDING FOR AN EFFECTIVE DATE

Commissioner Ross makes a motion to approve the consent agenda. It is seconded by Commissioner Anderson

All in favor: Mayor Jacobs, Vice Mayor Watts, Commissioner Anderson, Commissioner Cooper and Commissioner Ross

Opposed: None

Motion carries: 5/0

#### **9 Public Hearings - None**

#### **10 Ordinances**

##### **10.a Ordinance 2011-2 - Second Reading**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AMENDING CHAPTER 2 OF THE VILLAGE OF BISCAYNE PARK LAND DEVELOPMENT CODE ENTITLED "DEFINITIONS" BY **ADDING DEFINITIONS FOR FENCES AND CORNER SIDE YARDS** AND AMENDING THE DEFINITION OF HEDGE; AMENDING CHAPTER 11 OF THE VILLAGE OF BISCAYNE PARK LAND DEVELOPMENT CODE ENTITLED "ACCESSORY STRUCTURES ", BY AMENDING SECTION 11.6 AND REMOVING HEIGHT RESTRICTIONS FOR HEDGES; ADDRESSING CORNER SIDE FENCES AND WALLS, HEIGHT, AND RELATED CHANGES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE

Mayor Jacobs read the title of the ordinance.

Commissioner Cooper makes a motion to defer the second reading of the ordinance to date certain February 7, 2012, with a workshop to be held in January. It is seconded by Mayor Jacobs.

Vice Mayor Watts makes a subsidiary motion to only consider the language to allow vinyl fences in the second reading of this ordinance. It is seconded by Mayor Jacobs.

Mayor Jacobs opens the meeting for public comment:

Dan Keys  
Gary Kuhl  
Tracy Truppmann  
Barbara Kuhl  
Russell Katzman  
Jeff Stranz  
Fred Jonas

After public input and discussion, Vice Mayor Watts requests to rescind her subsidiary motion.

Point of order from Commissioner Ross: Once a motion is made and seconded, it belongs to the Commission and must be voted on; and the person making the motion cannot vote against the motion.

After further discussion, a vote is taken on the subsidiary motion:

All in favor: Vice Mayor Watts

All opposed: Mayor Jacobs, Commissioner Anderson, Commissioner Cooper and Commissioner Ross.

Motion fails: 1/4

The original motion is called for a vote:

All in favor: Mayor Jacobs, Vice Mayor Watts, Commissioner Cooper

All opposed: Commissioner Anderson and Commissioner Ross

Motion carries: 3/2

## 11 Resolutions

### 11.a Resolution 2011-53

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA **ESTABLISHING THE REGULAR COMMISSION MEETING SCHEDULE FOR 2012**; AND PROVIDING FOR AN EFFECTIVE DATE.

Attorney Boutsis read the title.

Commissioner Anderson makes a motion to change the date of the July 2012 regular commission meeting to the second Tuesday in July due to the Independence Day holiday, July 10, 2012. It is seconded by Commissioner Ross.

The motion is called to a vote:

All in favor: Mayor Jacobs, Vice Mayor Watts, Commissioner Anderson, Commissioner Cooper and Commissioner Ross

Opposed: None

Motion carries: 5/0

Commissioner Cooper makes a motion to change the date of the January 2012 regular commission meeting to Thursday, July 12, 2012, due to a scheduling conflict. It is seconded by Vice Mayor Watts.

The motion is called to a vote:

All in favor: Mayor Jacobs, Vice Mayor Watts, Commissioner Anderson,  
Commissioner Cooper and Commissioner Ross

Opposed: None

Motion carries: 5/0

Commissioner Anderson makes a motion to approve resolution 2011-53 as amended. It is seconded by Commissioner Ross.

The motion is called to a vote:

All in favor: Mayor Jacobs, Vice Mayor Watts, Commissioner Anderson,  
Commissioner Cooper and Commissioner Ross

Opposed: None

Motion carries: 5/0

## 12 Old Business

- 12.a Consideration of motion made at the November 29th special commission meeting:

*Vice Mayor Anderson makes a motion to waive the rental fee for use of the Recreation Center for Meet the Candidates. It was seconded by Commissioner Childress.*

After discussion, the motion was called to a vote:

All in favor: Mayor Jacobs, Vice Mayor Watts, Commissioner Anderson,  
Commissioner Cooper and Commissioner Ross

Opposed: None

Motion carries: 5/0

- 12.b Board Member appointments for open positions were discussed. Remaining open positions are:
- > Ecology Board (Commissioner Ross' appointment)
  - > Planning & Zoning Board (Commissioner Cooper's appointment)
  - > Parks & Parkway Advisory Board (Commissioner Cooper's appointment)

## 13 New Business

- 13.a Commissioner Cooper: "Future condensed short bullet list of agenda items to be sent on day 7, prior to Commission meeting, by Clerk to Commission".

Commissioner Cooper makes a motion to have the Clerk send an e-mail to the Commission with a bullet list of all agenda items, seven (7) days prior to the Commission meeting. The motion is seconded by Mayor Jacobs.

After discussion, the motion is amended that the Clerk will send the actual agenda marked "Draft".

After commissioner comments, the amended motion is called to a vote:

All in favor: Mayor Jacobs, Vice Mayor Watts, Commissioner Cooper and Commissioner Ross.

Opposed: Commissioner Anderson

Motion carries: 4/1

13.b Commissioner Cooper: Police style badges given to Commissioners

Commissioner Cooper makes a motion to eliminate the use of honorary badges from the government process including elected officials, the Village Manager and anyone else who has one. The motion is seconded by Mayor Jacobs.

After discussion, Commissioner Ross asks for a point of privilege to clarify that there has been no misuse of the badges by anyone in Biscayne Park.

The motion is called to a vote:

All in favor: Commissioner Cooper

Opposed: Mayor Jacobs, Vice Mayor Watts, Commissioner Anderson and Commissioner Ross.

Motion fails: 1/4

**14 Final Public Comment**

Dan Keys - Parks & Parkway landscaping project at the entrance of the Ed Burke Recreation Center - expresses gratitude to all those that helped.

Dan Samaria: Congratulations new commissioners; respect among commissioners; continue to listen to residents; not happy that Ordinance 2011-02 was not voted on; residents should be able to serve on more than one board; continue to listen to the boards.

Linda Dillon: Expresses gratitude for the waiver of the rental fee for Meet the Candidates.

Steve Bernard: Congratulates new commissioners; allow speakers to speak multiple times; Ordinance 2011-02 Fence Ordinance; speaker comments should be added to the minutes.

**15 Commissioner Comments:**

Vice Mayor Watts: Expresses gratitude to those that supported her in the election; thanks former Mayor Ross and prior commission; campaign signs to be picked up.

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Karen Cohen, Ecology Board Chair: Board plans to have a booth at the next Village Market to have native plants; commissioners should have courtesy not to text and not to use any electronic devices.



Eve Boutsis, Assistant Village Attorney: Welcomes the new commission; will reschedule workshop for new candidate orientation; open to meet one on one with any elected official. (Clerk passed out the New Village Commissioner Orientation package to all commissioners.)

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Commissioner Anderson: Looks forward to Winterfest and hopes the entire Commission will attend, and that new residents come out.

Commissioner Ross: Everyone has a strong desire to improve our community; we all have common goal for the success of the Village; we are pro-Biscayne Park.

Commissioner Cooper: Welcomes Vice Mayor Watts and Mayor Jacobs. Appreciates Karen Cohen chairing the Ecology Board; makes a promise to self that if something is wrong will seek out the facts; long time since we have had commissioner comments.

Mayor Jacobs: Thanks all residents who came to the meeting; compromises will be necessary; will do the best we can as a group.

**16 Announcements:**

The Clerk read the announcements:

Wednesday, December 14th - Parks & Parkway Board at 6:00pm

Saturday, December 17th - Winterfest starting at 11:00am

Monday, December 19th - Planning & Zoning at 6:30pm

Wednesday, December 21st - Code Review Board at 7:00pm

Monday, December 26th - All Village Departments are closed.

Monday, January 2nd - All Village Departments are closed.

Our next regular Commission meeting is Thursday, January 12, 2012 at 7:00pm.

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Meeting was adjourned at 9:13pm.

Commission approved on \_\_\_\_\_.

Attest:

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Noah Jacobs, Mayor

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Maria Camara, Village Clerk



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**MINUTES**

**Regular Commission Meeting**

**Ed Burke Recreation Center - 11400 NE 9th Court**

**Biscayne Park, FL 33161**

**Thursday, January 12, 2012 at 6:30PM**

**1 Call to Order**

**2 Roll Call**

Mayor Noah Jacobs called the meeting to order at 7:01PM. In addition to Mayor Jacobs, present were:

Vice Mayor Barbara Watts  
Commissioner Bob Anderson  
Commissioner Bryan Cooper  
Commissioner Roxanna Ross

Present from staff were:

Village Manager Ana Garcia  
Village Clerk Maria Camara  
Village Attorney John Hearn  
Finance Director Charles Smith  
Police Chief Mitchell Glansberg  
Parks & Recreation Director Issa Thornell  
Public Works Director Bernard Pratt  
Assistant PW Director Cesar Hernandez

**3 Pledge of Allegiance and Moment of Silence**

Mayor Jacobs recognized the passing of long time resident Linda Domin.

**4 Presentations**

Manager Garcia and Chief Glansberg presented a plaque to former Assistant Chief Antonio Sanchez recognizing his contributions to the Village during his tenure with the Police Department.

**5 Additions, Deletions or Withdrawals to Agenda**

Commissioner Cooper added an item in New Business, how agenda items can be created. Item 13.c

Commissioner Ross added an item under the Village Manager's report, check signing process, item 7.d

## **6 Public Comments Related to Agenda Items / Good & Welfare**

Marie Smith - New commissioner and mayor; protection of australian pines; maintenance of median strips on 121st Street.

Fred Jonas - Production of minutes; fence ordinance delay; expectations of new commission.

Chuck Ross - Crime Watch event for drivers over 55; significant police arrest; item 13a, computer at the Rec Center; Commissioner Cooper's attendance at first Fence Workshop in February 2011; electronic communication at the dais; fence ordinance delay.

Barbara Kuhl - Charter provision of no unreasonable postponements; purpose for second Fence Workshop.

Gage Hartung - Recommendation of making Carl Bickle, P&Z alternate, as a regular board member; Code Review Board is available to any commissioner to discuss fence ordinance.

Commissioner Cooper and Vice Mayor Watts provided a response to public comments made.

## **7 Village Manager Report**

Manager Garcia provided an update/status on:

- 7.a Communication with City of North Miami: Several meetings have taken place with staff; second meeting with Miami Dade County WASD is scheduled; Finance Director has obtained information from North Miami Finance Department that the Village residents have paid \$613,393 in capital improvement water fees since 2008; next meeting with North Miami is with the Utilities Director to get a status on the water plant renovation project; Attorney Hearn will also seek meeting with North Miami attorney.

After commission comments, Commissioner Cooper makes a motion to draft and adopt a resolution expressing the Village's concern of North Miami's capital improvement plans and the use of the funds that have been collected for the last 3 years, and to make all information available to the Village. The motion is seconded by Commissioner Anderson.

The motion is called to a vote:

All in favor: Mayor Jacobs, Vice Mayor Watts, Commissioner Anderson, Commissioner Cooper and Commissioner Ross

Opposed: None

Manager Garcia provided response to public comment regarding the median maintenance at 121st Street and that on January 21st, the Village will come together with the City of North Miami to clean up the median that is shared. Part of the second annual King Day of Service.

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- 7.b Church of the Resurrection has requested to meet with the Commission to further discuss the charter school proposal. Attorney Hearn recommended that the Church and Charter School representatives first provide the previously requested information before a meeting is scheduled.

After commission comments, Commissioner Ross makes a motion to direct staff to respond to the Church with the commission's request that they first provide the previously requested information before a meeting/presentation is scheduled. The motion is seconded by Commissioner Cooper.

The motion is called to a vote:

All in favor: Mayor Jacobs, Vice Mayor Watts, Commissioner Anderson, Commissioner Cooper and Commissioner Ross

Opposed: None

Motion carries: 5/0

- 7.c Clerk Camara confirms the dates and times scheduled for:
- > Saturday, January 21, 2012 at 10:00am - King Day of Service
  - > Saturday, January 21, 2012 at 12:30pm - Fence Ordinance Workshop
  - > Monday, January 23, 2012 at 6:30pm - Village Hall Project Workshop

- 7.d Attorney Hearn recommends that the new commission are all added as bank signatories and previous commissioners removed.

Commissioner Ross makes a motion that the new commission are all added as bank signatories and previous commissioners removed. The motion is seconded by Commissioner Anderson.

The motion is called to a vote:

All in favor: Mayor Jacobs, Vice Mayor Watts, Commissioner Anderson, Commissioner Cooper and Commissioner Ross

Opposed: None

Motion carries: 5/0

## **8 Consent Agenda**

Commissioner Anderson pulls item 8.f, Resolution 2012-05 and it is moved to section 11 Resolutions as item 11.a.

Vice Mayor Watts pulls the minutes for December 13, 2011.

Commissioner Cooper pulls item 8.d, Resolution 2012-03 and it is moved to section 11 Resolutions as item 11.b; item 8.g, Resolution 2012-06 and it is moved to section 11 Resolutions as item 11.c; item 8.h, Resolution 2012-07 and it is moved to section 11 Resolutions as item 11.d; and item 8.i, Resolution 2012-08 and it is moved to section 11 Resolutions as item 11.e.

Left on the consent agenda:

Item 8.a, approval of minutes - February 24, 2011 - Fencing Workshop (resubmission)

Item 8.b, **Resolution 2012-01**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO AN AGREEMENT BETWEEN THE VILLAGE OF BISCAYNE PARK AND THE STATE OF FLORIDA**, OFFICE OF THE STATE ATTORNEY FOR THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA TO REIMBURSE THE STATE ATTORNEY'S OFFICE FOR THE COST OF STATE ATTORNEY PROSECUTION OF CERTAIN CRIMINAL VIOLATIONS OF THE MUNICIPAL CODE OF THE VILLAGE OF BISCAYNE PARK; PROVIDING FOR AN EFFECTIVE DATE

Item 8.c, **Resolution 2012-02**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **DECLARING VILLAGE VEHICLE AS SURPLUS PROPERTY** AND GRANTING THE VILLAGE MANAGER AUTHORIZATION TO SELL SAID SURPLUS THROUGH GOV DEALS; PROVIDING FOR AN EFFECTIVE DATE

Item 8.e, **Resolution 2012-04**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **APPROVING THE EXPENDITURE OF POLICE FORFEITURE FUNDS OF NOT MORE THAN \$2,968.50 FOR THE PURCHASE OF AUTOMATED EXTERNAL DEFIBRILLATORS**; PROVIDING FOR AN EFFECTIVE DATE

Commissioner Ross makes a motion to approve the consent agenda. It is seconded by Commissioner Anderson

All in favor: Mayor Jacobs, Vice Mayor Watts, Commissioner Anderson, Commissioner Cooper and Commissioner Ross

Opposed: None

Motion carries: 5/0

On the minutes for December 13, 2011, Vice Mayor Watts makes a motion to add to each speaker's comments on Ordinance 2011-02, "distressed over the delay".

Commissioner Ross asks for a friendly amendment to change "distressed" to "objected" and it is accepted by Vice Mayor Watts. Commissioner Cooper seconds the motion.

The motion is called to a vote:

All in favor: Mayor Jacobs, Vice Mayor Watts, and Commissioner Cooper

Opposed: Commissioner Anderson and Commissioner Ross

Motion carries: 3/2

Mayor Jacobs moves the gavel over to Vice Mayor Watts.

Mayor Jacobs makes a motion that in regard to Public Comments that take place at the beginning and end of the commission meeting, that the main idea of the speaker at the lectern be added to the minutes, so that anyone who wishes to speak be more fully understood and appreciated. The motion is seconded by Commissioner Cooper.

After discussion, Mayor Jacobs amends his motion to add "and position" after "main idea". The amendment is accepted by Commissioner Cooper.

The motion is called to a vote:

All in favor: Mayor Jacobs and Commissioner Cooper

Opposed: Vice Mayor Watts, Commissioner Anderson and Commissioner Ross

Motion fails: 2/3

Commissioner Cooper requests that his item, 13.c, how agenda items can be created, under New Business be moved up to this portion of the meeting.

Commissioner Ross objects and would rather keep the agenda as set, but leaves it up to the Mayor for his consideration and decision.

Mayor Jacobs allows item 13.c to be moved up.

Commissioner Cooper makes a motion to direct the Village Manager to add to the agenda for the next regular commission meeting, a discussion on the expansion of the minutes. It is seconded by Vice Mayor Watts.

After discussion, the motion is called to a vote:

All in favor: Mayor Jacobs, Vice Mayor Watts, and Commissioner Cooper

Opposed: Commissioner Anderson and Commissioner Ross

Motion carries: 3/2

- 10     **Ordinances - First Reading**  
         <None>  
         **Ordinances - Second Reading**  
         <None>

- 11     **Resolutions**

11.a **Resolution 2012-05**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, PURSUANT TO SECTION 218.39 OF THE FLORIDA STATUTES **SELECTING AN AUDITING FIRM**, AND AUTHORIZING THE VILLAGE MANAGER TO NEGOTIATE A FINAL CONTRACT WITH THE SELECTED EXTERNAL AUDITING SERVICE FIRM FOR THE PERFORMANCE OF THE VILLAGE'S ANNUAL EXAMINATION OF ITS FINANCIAL STATEMENTS; PROVIDING FOR AN EFFECTIVE DATE

Manager Garcia provides an explanation that it is best practice to select an auditing firm every 3 years.

Commissioner Ross makes a motion to approve resolution 2012-05. It is seconded by Commissioner Anderson.

The motion is called to a vote:

All in favor: Mayor Jacobs, Vice Mayor Watts, Commissioner Anderson, Commissioner Cooper and Commissioner Ross

Opposed: None

Motion carries: 5/0

11.b **Resolution 2012-03**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **URGING MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT AND OPPOSE CERTAIN ISSUES DURING THE 2012 LEGISLATIVE SESSION**; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

After discussion, Commissioner Ross makes a motion to approve resolution 2012-03. It is seconded by Commissioner Cooper.

The motion is called to a vote:

All in favor: Vice Mayor Watts, Commissioner Anderson, Commissioner Cooper and Commissioner Ross

Opposed: Mayor Jacobs

Motion carries: 4/1

11.c **Resolution 2012-06**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, **SUPPORTING POLICE OFFICER AND FIREFIGHTER DISABILITY PRESUMPTION REFORMS** TO MAKE PENSION PLAN AND WORKERS' COMPENSATION BENEFITS SUSTAINABLE FOR CURRENT AND FUTURE POLICE OFFICERS AND FIREFIGHTERS; PROVIDING FOR AN EFFECTIVE DATE

After discussion, Commissioner Ross makes a motion to approve resolution 2012-06. It is seconded by Commissioner Cooper.

The motion is called to a vote:

All in favor: Commissioner Anderson, Commissioner Cooper and Commissioner Ross

Opposed: Mayor Jacobs and Vice Mayor Watts

Motion carries: 3/2

11.d **Resolution 2012-07**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **AUTHORIZING THE VILLAGE MANAGER TO EXECUTE A MUTUAL AID AGREEMENT BETWEEN CITY OF FLORIDA CITY POLICE DEPARTMENT AND THE VILLAGE OF BISCAYNE PARK POLICE DEPARTMENT**; PROVIDING FOR AN EFFECTIVE DATE

After discussion, Commissioner Cooper makes a motion to approve resolution 2012-07. It is seconded by Vice Mayor Watts.

The motion is called to a vote:

All in favor: Mayor Jacobs, Vice Mayor Watts, Commissioner Anderson, Commissioner Cooper and Commissioner Ross

Opposed: None

Motion carries: 5/0

11.e **Resolution 2012-08**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **SUPPORTING THE EFFORTS TO PLAN AND SEEK FUNDING FOR THE RESTORATION OF THE LOG CABIN AND BUILDING OF A NEW VILLAGE HALL AND POLICE MUNICIPAL SITE**; PROVIDING FOR AN EFFECTIVE DATE

After discussion, Commissioner Ross makes a motion to approve resolution 2012-08. It is seconded by Commissioner Anderson.

The motion is called to a vote:

All in favor: Mayor Jacobs, Vice Mayor Watts, Commissioner Anderson, Commissioner Cooper and Commissioner Ross

Opposed: None

Motion carries: 5/0

12 **Old Business**

12.a Board Member appointments for open positions were discussed. Attorney Hearn explains that Mayor Jacobs assumes Commissioner Bernard's appointments and Vice Mayor Watts assumes Commissioner Childress' appointments. Remaining open positions are:

- > Ecology Board (Commissioner Ross' appointment)
- > Planning & Zoning Board (Commissioner Cooper's appointment)
- > Parks & Parkway Advisory Board (Commissioner Cooper's appointment)
- > Code Review Board (Mayor Jacob's appointment)



Commissioner Ross makes a motion to appoint Joe Chao as an alternate to the Recreation Advisory Board. It is seconded by Commissioner Anderson.

The motion is called to a vote:

All in favor: Mayor Jacobs, Vice Mayor Watts, Commissioner Anderson, Commissioner Cooper and Commissioner Ross

Opposed: None

Motion carries: 5/0

### **13 New Business**

#### **13.a Mayor Jacobs - Installing a computer at the Ed Burke Recreation Center**

Mayor Jacobs moves the gavel to Vice Mayor Watts.

After discussion, Mayor Jacobs makes a motion to direct staff to analyze and pursue the idea to add a single computer with a printer at the Recreation Center and provide all associated purchase costs and reoccurring costs; and to identify any issues or liability concerns. It is seconded by Commissioner Ross.

The motion is called to a vote:

All in favor: Mayor Jacobs, Vice Mayor Watts, Commissioner Anderson, Commissioner Cooper and Commissioner Ross.

Opposed: None

Motion carries: 5/0

#### **13.b Commissioner Anderson: Feasibility/procedure for adding to the property tax bill the costs incurred by the Village of Biscayne Park to maintain abandoned properties.**

Finance Director Smith distributed to the commission information obtained from the Property Appraiser's office on this subject.

After discussion, Commissioner Anderson makes a motion to direct staff to pursue the feasibility to add the costs incurred by the Village to maintain abandoned properties to the property tax bill, including the required drafting of an ordinance. It is seconded by Commissioner Ross.

The motion is called to a vote:

All in favor: Mayor Jacobs, Vice Mayor Watts, Commissioner Anderson, Commissioner Cooper and Commissioner Ross.

Opposed: None

Motion carries: 5/0

### **14 Final Public Comment**

Fred Jonas - Ordinance 2011-02 and costs incurred due to the delay.

Chuck Ross - Recreation Advisory Board alternate member selection; addition of agenda item without previous review.

Dale Blanton - Commissioner Cooper's display of arrogance with continuous texting on the dais.

## **15 Reports**

15.b Attorney Hearn: Recapped Code Enforcement Board's decision that the property owner is not responsible for the removal of the diseased tree that is located on the swale; and the need to modify the language in our code that works better for the Village.

15.c Vice Mayor Watts: Availability of ballet tickets; art classes at the Recreation Center.

Commissioner Anderson: Commends Finance Director for information provided from the Property Appraiser on abandoned properties; appreciates residents in the audience that remained late for the entire meeting.

Commissioner Cooper: Encourages new commission not to rubber stamp Code Review Board's recommendations and looks forward to the workshop.

Commissioner Ross: Reminder of the King Day of Service on Saturday, January 21st; and encourages donations for next landscape as part of the challenge grant.

Mayor Jacobs: Appreciates residents in the audience that remained late for the entire meeting, as well as the staff in attendance.

## **16 Announcements:**

The Clerk read the announcements:

Monday, January 16th - All Village departments are closed in observance of the Martin Luther King holiday.

Tuesday, January 17th - Planning & Zoning at 6:30pm.

Wednesday, January 18th - Parks & Parkway Advisory Board at 6:00pm.

Wednesday, January 18th - Code Review Board at 7:00pm.

Thursday, January 19th - Ecology Board at 6:30pm.

Saturday, January 21st - MLK Day of Service at the 121st Street median at 10:00am.

Saturday, January 21st - Fence Workshop at 12:30pm.

Monday, January 23rd - Village Hall Workshop at 6:30pm at Village Hall.

Tuesday, January 31st - Presidential Preference Primary - polls open from 7:00am to 7:00pm.

Wednesday, February 1st - Code Review Board at 7:00pm.

Monday, February 6th - Planning & Zoning at 6:30pm.

Our next regular Commission meeting is Tuesday, February 7, 2012 at 7:00pm.

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Meeting was adjourned at 11:01pm.

Commission approved on \_\_\_\_\_.

Attest:

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Noah Jacobs, Mayor

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Maria Camara, Village Clerk



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Mayor and Commission

Noah Jacobs  
Mayor

Barbara Watts  
Vice Mayor

Robert "Bob" Anders  
Commissioner

Bryan Cooper  
Commissioner

Roxanna Ross  
Commissioner

Ana Garcia  
Village Manager

John J. Hearn  
Village Attorney

Maria Camara  
Village Clerk

**MINUTES**  
**WORKSHOP - FENCING ALLOWANCES**  
**Ed Burke Recreation Center - 11400 NE 9th Court**  
**Biscayne Park, FL 33161**  
**Saturday, January 21, 2012 at 12:30pm**

**1 Call to Order**

**2 Roll Call**

Mayor Noah Jacobs called the workshop to order at 12:49PM. In addition to Mayor Jacobs, present were:

Vice Mayor Watts

Commissioner Bob Anderson

Commissioner Bryan Cooper

Commissioner Roxanna Ross

Present from staff were:

Village Clerk Maria Camara

Village Attorney Eve Boutsis

Police Chief Mitchell Glansberg

Assistant PW Director Cesar Hernandez

Present from the Code Review Board were:

Gage Hartung

Gary Kuhl

Dale Blanton

Former board members Chuck Ross, Dan Keys and Fred Jonas

**3 Public Comments**

*Public comments were taken throughout the workshop.*

Fred Jonas - purpose of the workshop?

Vicki Smith-Bilt - corner lots with grandfathered chain link fence and related visibility issues.

Jeff Stranz - what is the Commission's concern with the current draft of the ordinance?

Steve Bernard - provided 3D drawing of the corner allowances; incongruences in the proposed ordinance; remove vagueness in the code.

Gary Kuhl - approximately 20% of homes on corner lots. Code Review had much discussion to come up with an equitable proposal.

Agustin Conti - meeting is disorganized; would like to see fencing allowed in front yard for the safety of toddlers.

Janey Anderson - corner lot properties need security; has experienced 4th attempted break-in.

Barbara Kuhl - corner properties that are fenced sought and obtained variances in the past.

Dan Keys - Definition of corner side yards is not good.

#### **4 New Business**

##### Discussion of Ordinance 2011-02

The commission discussed specific points throughout the ordinance. The following changes were proposed:

2.2.26: Add a separate definition for a gate. There was consensus to make that change.

2.2.31: Definition of hedge was changed. Request to keep the original definition currently in the code. There was consensus to make that change.

11.6.1, line 39: Corner side yard and corner yard property line. Request for attorney to look at language of other cities and take radius into consideration. There was consensus to make that change (in favor: Ross, Anderson, Jacobs; opposed: Watts and Cooper)

11.6.8: Direction for the attorney to craft language that provides the legal lot description for the Public Works building and the Recreation Center. There was consensus to make that change.

11.6.1.b: Direct attorney to craft language to capture the intent of what is in 2.2.71. There was consensus to make that change.

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At 3:00pm, it was concluded that a review of the entire ordinance would require more time. Decision made to continue the workshop on Monday, January 23rd at 6:30pm.

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Workshop was adjourned at 3:09pm.

Commission approved on \_\_\_\_\_.

Attest:

\_\_\_\_\_  
Noah Jacobs, Mayor

\_\_\_\_\_  
Maria Camara, Village Clerk



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Maria Camara  
Village Clerk

**MINUTES**

**WORKSHOP - FENCING ALLOWANCES - Part 2**  
**Ed Burke Recreation Center - 11400 NE 9th Court**  
**Biscayne Park, FL 33161**  
**Monday, January 23, 2012 at 7:30pm**

**1 Call to Order**

**2 Roll Call**

Mayor Noah Jacobs called the workshop to order at 7:56PM. In addition to Mayor Jacobs, present were:

Commissioner Bob Anderson  
Commissioner Roxanna Ross

*Vice Mayor Watts and Commissioner Cooper were absent.*

Present from staff were:

Village Manager Ana M. Garcia  
Village Clerk Maria Camara  
Village Attorney John Hearn  
Police Chief Mitchell Glansberg  
Assistant PW Director Cesar Hernandez

Representing the Code Review Board was Gage Hartung

**3 Public Comments**

Tracy Truppmann - opposed to vinyl fencing; recommends 4' to 6' covering for entire fence, but do not allow ficus.

Chuck Ross - only one property in the Village can be "boxed" in by two corner properties; manner in which the beginning of first workshop was handled; "bump-outs" will not work on all properties; not a perfect ordinance and could be tweaked, but should move forward.

Gary Kuhl - has not come across anyone who is against corner yard fencing; approximately 270 corner lots in Village and many are quite large. Proposes that instead of allowing all corner lots to bump out, if resident is not able to enclose 55% of lot, including the residence, they can be allowed to bump out. Provided the commission and staff with suggested language through a handout.

Dan Keys - enforcement is currently lacking; provided a handout to commission and staff of ideas to change and typos; suggest having "bump-outs" handled by variances; wood more attractive than PVC; 4' should be limitation on corner fence - does not want to see 6'.

Barbara Kuhl - only allow "bump-outs" for properties with narrow back yards; proposed 4'6" height limitation of pedestrian gates is very arbitrary, should be 6'; would be beneficial to hear from each commissioner a general comment of how they stand on the ordinance to everyone knows how to address - currently too fragmented.

Gage Hartung - disappointed that two commissioners were absent; continue the momentum started at last workshop to go line by line; there is a compromise to work out in regards to "bump-outs"; not a perfect ordinance, but a result of many hours.

#### **4 New Business**

Discussion of Ordinance 2011-02 (*continuation from Saturday, January 21, 2012*)

The commission discussed specific points throughout the ordinance. The following changes were proposed:

After discussion on the issue of the "bump-out", direction for attorney to craft language based on Gary Kuhl's suggested language. There was consensus to make that change.

Attorney Hearn will work with our planners, Bell David, to get the best language for the intent.

11.6.1.d: Need to interject the percentage of foliage. Looking for 50% goal and directs attorney to work with planners for best language for the intent. There was consensus to make that change.

11.6.1.d: Add exception for a gate. There was consensus to make that change.

11.6.2.c: Add clarification of Village right of way. There was consensus to make that change.

11.6.2.d: Change to add a 6' height maximum and a 5' width maximum with emphasis on pedestrian gate. There was consensus to make that change.



11.6.3: Line 35, add "only" between "type" and "except"; Line 33, change concrete to masonry; line 38, change "according to" to "in compliance". There was consensus to make these changes.

11.6.3.b: Line 3, change "consistent" to "compatible"; on (i), remove "coral rock". There was consensus to make that change.

11.6.4: Remove "wood fences and walls" from heading. There was consensus to make that change.

11.6.6: Create clear delineation, separate paragraph at line 21 - "replacement of any fence..." and it becomes 11.6.6.a. There was consensus to make that change.

11.6.7.d: Line 33, correct to "structurally sound"; line 38, correct to "adjoining". There was consensus to make that change.

11.6.8: Add that the Village must obtain a variance by means of approving a resolution. There was consensus to make that change.

11.6.3(e): The last sentence in line 31 - add that same line to (g), lines 39-41. There was consensus to make that change.

The line by line review of each section of the ordinance was completed.

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Workshop was adjourned at 9:17pm.

Commission approved on \_\_\_\_\_.

Attest:

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Noah Jacobs, Mayor

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Maria Camara, Village Clerk



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MINUTES  
WORKSHOP - VILLAGE HALL PROJECT  
Village Hall - 640 NE 114th Street  
Biscayne Park, FL 33161  
Monday, January 23, 2012 at 6:30pm

1 **Call to Order**

2 **Roll Call**

The workshop was called to order at 6:44PM. Present were:

Mayor Noah Jacobs  
Commissioner Bob Anderson  
Commissioner Roxanna Ross

*Vice Mayor Watts and Commissioner Cooper were absent.*

Present from staff were:  
Village Manager Ana M. Garcia  
Village Clerk Maria Camara  
Village Attorney John Hearn  
Police Chief Mitchell Glansberg  
Finance Director Charles Smith  
Finance Clerk Wendy Hernandez  
Assistant PW Director Cesar Hernandez

Present from Bell David Planners:  
Alex David  
Jerry Bell

Present from government relations firm for the Village:  
David Caserta  
James Wyatt

3 **Public Comments**

< None >

4 **Presentations**

Manager Garcia provided a background on the current condition of the log cabin, Village Hall and the safety and health hazards, and the deteriorating condition of the interior and exterior.

Manager Garcia introduced those present who were assisting the administration in the efforts to seek funding for restoration of the historic log cabin, and for the construction of a new municipal building for administration and police department.

David Caserta provided background on his firm, and James Wyatt provided the following information in his presentation:

The advocacy efforts: actively making sure our issues are being heard at the local and state level.

Short term goals in 2012: Receive a grant for a restoration project through historical/archeological resources.

Long term goals: Construction of a new administration and police department.  
Looking at possible funding sources: state budget allocations, GOB funding, federal and state grants, educational and cultural avenues, non-profit organizations.

Also looking at innovate thinking by way of business sponsorships.

Need to continue to raise awareness, send letters, etc.

Will contact elected official at the local level, state representatives and senators, and US senators.

Alex David is assessing the space needs for a new municipal building; looking/comparing at what other cities have recently built; making sure we plan for the future.

Commissioners present provided comments on the idea and vision questionnaire that was provided, and general comments:

- Look at 2004 grant – incorp. where put a bldg? Don't block view
- Maintain view corridor
- Parking – Where? Bring bldg. back
- High electric cost (currently) – Losing efficiency
- Core social functions – Weddings, etc.
- Log Cabin formerly rented for events
- Native plantings around
- New facility – (incorporate) Green initiatives
- Now pass resolution to be in place to get funding
- How many WPA projects still function?
- Focus on historic uniqueness – WPA Building
- When restore – Will have ADA? Most likely
- Significant renovation – ADA

- Would part of use be for Commission meetings?
- Yes – could use Log Cabin for Commission meetings
- Annexations? Consider possibility of additional space
- Purchase off site for storage?
- New site – massing of buildings? Smaller buildings?
- Restoring exterior colonnade to form
- Preservation – look into what to look at in writing a grant for historic preservation – look at keywords
- Key words – cultural, educational...
- No major use? Could be a flexible space
- Flexible Space!
- Reach out through newsletter – info., old photos
- Put together a group to start gathering info.

Manager Garcia will also reach out to HGTV and "This Old House" for possible interest and involvement.

## 5 Final Public Comment

Dan Keys: Log cabin should be used for commission meetings; look at annexation possibilities when planning space for new building; look at purchasing off-site properties for storage.

Chuck Ross: Has started already to reach out to collect and organize historical information on the Village.

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Workshop was adjourned at 7:36pm.

Commission approved on \_\_\_\_\_.

Attest:

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Noah Jacobs, Mayor

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Maria Camara, Village Clerk